

ESTTA Tracking number: **ESTTA736262**

Filing date: **03/28/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91226617
Party	Plaintiff Niagara LaSalle Corporation
Correspondence Address	Dennis S. Prah Ladas & Parry LLP 1040 Avenue of the Americas New York, NY 10018-3738 UNITED STATES dprahl@ladas.com, tbalducci@ladas.com, DRobertson@ladas.com,rcathcart@ladas.com,rroa@ladas.com
Submission	Other Motions/Papers
Filer's Name	Dennis S. Prah/
Filer's e-mail	dprahl@ladas.com, tbalducci@ladas.com, DRobertson@ladas.com,rcathcart@ladas.com,rroa@ladas.com
Signature	/Dennis S. Prah/
Date	03/28/2016
Attachments	Notice of Return of Notice of Opposition as Undeliverable - Stressbar Systems.pdf(398507 bytes ) Declaration of Dennis S. Prah, Esq. - Stressbar Systems.pdf(2129433 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

-----X	:	
NIAGARA LASALLE CORPORATION,	:	
Opposer,	:	Opposition No. 91226617
v.	:	Serial No. 86/189,035
STRESSBAR SYSTEMS INTERNATIONAL	:	
LIMITED LIABILITY COMPANY	:	
Applicant.	:	
-----X	:	

**NOTICE OF RETURN OF NOTICE OF OPPOSITION**  
**AS UNDELIVERABLE**

Pursuant to 37 CFR § 2.119 and TBMP § 309.02(c)(1), Opposer hereby gives Notice to the Trademark Trial and Appeal Board in writing that the service copy of the Notice of Opposition served on the attorney and correspondent of record for the Applicant (“Applicant’s counsel”) has been returned as undeliverable. (Prah! Dec’l ¶6, Exh. A.)

Opposer’s counsel received the returned undeliverable mail on March 18, 2016, and Opposer hereby gives its written notice to the Board within 10 days of receipt of the returned copy. (Prah! Dec’l ¶ 6)

Although the contact information on the Trademark Status & Document Retrieval system (“TSDR”) shows a different correspondent law firm, address, and contact attorney, Opposer’s counsel has reason to believe that the new address for Applicant’s counsel is:

Ms. Michelle Ferrer, Esq.  
Plata Ferrer Law Group LLC  
670 Bergen Boulevard, 2nd Floor  
Ridgefield, New Jersey 07657

(Prah! Dec’l ¶¶ 7 & 8, Exh. B).

On February 26, 2016, Opposer’s counsel informed Applicant’s counsel of Niagara LaSalle Corporation’s continued objection to the registration of Application No. 86/189,035 and that it would be filing an opposition shortly. (Prah! Dec’l ¶ 4)

Opposer respectfully requests that the Board effectuate service and advise the Opposer accordingly.

Respectfully submitted,

**LADAS & PARRY LLP**  
Attorneys for Opposer



Dated: March 28, 2016

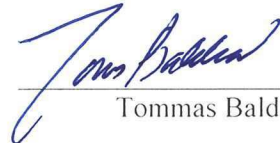
By:

Dennis S. Prahl  
1040 Avenue of the Americas  
New York, New York 10018  
Tel: (212) 708-1817  
(Our Ref.: C15672727)

**CERTIFICATE OF TRANSMISSION**

I, Tommas Balducci, hereby certify that a copy of the foregoing **NOTICE OF RETURN OF NOTICE OF OPPOSITION AS UNDELIVERABLE** has been electronically transmitted to the United States Patent and Trademark Office on the date indicated:

Dated: March 28, 2016

  
Tommas Balducci

**CERTIFICATE OF SERVICE**

I, Tommas Balducci, hereby certify that a copy of the foregoing **NOTICE OF RETURN OF NOTICE OF OPPOSITION AS UNDELIVERABLE** was served via First-Class Mail, postage prepaid, courtesy copy via email, on the date indicated below, to the following:

Ms. Michelle Ferrer, Esq.  
Plata Ferrer Law Group LLC  
670 Bergen Boulevard, 2nd Floor  
Ridgefield, New Jersey 07657  
Email: MFerrer@plataferrer.com

Dated: March 28, 2016

  
Tommas Balducci

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

-----X	:	
NIAGARA LASALLE CORPORATION,	:	
Opposer,	:	Opposition No. 91226617
v.	:	Serial No. 86/189,035
STRESSBAR SYSTEMS INTERNATIONAL	:	
LIMITED LIABILITY COMPANY	:	
Applicant.	:	
-----X	:	

**DECLARATION OF DENNIS S. PRAHL, ESQ.**

I, Dennis S. Prahl, declare that the following is true and correct pursuant to 28. U.S.C. § 1746:

1. I am a partner at the law firm of Ladas & Parry LLP, attorneys for Opposer Niagara LaSalle Corporation and respectfully submit this declaration in support of Opposer's Notice of Return of Notice of Opposition as Undeliverable.
2. On December 23, 2015, Opposer's counsel attempted to contact Applicant's counsel and correspondent of record, Mr. Antonio Guitierrez, Esq. of the firm of Plata Ferrer & Gutierrez LLC at the telephone number (201) 875-1001, according to the information provided on the Trademark Status & Document Retrieval system ("TSDR").
3. On December 23, 2015, an individual identifying herself as Ms. Denise Mejia, a law clerk, advised Opposer's counsel that Mr. Gutierrez was no longer with the firm. Ms. Mejia further advised that the firm retained responsibility for the STRESSBAR Application, No. 86/189,035, and that any correspondence regarding the application should be directed to Ms. Michelle Ferrer, Esq.

4. On February 26, 2016, Opposer's counsel emailed Applicant's counsel and informed them of Opposer's continued objection to the registration of Application No. 86/189,035 and that Opposer's counsel would be filing a Notice of Opposition against Application No. 86/189,035.
5. On February 29, 2016, Opposer caused a Notice of Opposition to be served upon the Applicant at the address of its attorney and correspondent of record.
6. On March 18, 2016, Opposer's counsel received the service copy of the Notice of Opposition back in the mail marked undeliverable. See a copy of the envelope marked accordingly by the U.S. Postal Service at Exhibit A.
7. Although Applicant's counsel's address and contact information has not been updated, Opposer's counsel suspects the correct correspondence address should be as follows:

Ms. Michelle Ferrer, Esq.  
Plata Ferrer Law Group LLC  
670 Bergen Boulevard, 2nd Floor  
Ridgefield, New Jersey 07657  
Email: MFerrer@plataferrer.com

8. Upon return of the Notice of Opposition as undeliverable, Opposer's counsel reviewed Applicant's counsel's website which included the following address as that for its "Main Office":

670 Bergen Boulevard, 2nd Floor  
Ridgefield, New Jersey 07657

See a copy of Opposer's Counsels "Contact Us" webpage at Exhibit B.

9. A copy of Opposer's Notice of Opposition and this Notice is being simultaneously served on the Plata Ferrer Law Group LLC attention Michelle Ferrer, Esq., with a courtesy copy via email.

I declare that the foregoing is true and correct under penalties of perjury.  
Executed on March 28, 2016 in New York, New York.



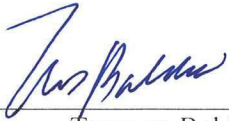
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Dennis S. Prah

**CERTIFICATE OF TRANSMISSION**

I, Tommas Balducci, hereby certify that a copy of the foregoing **DECLARATION OF DENNIS S. PRAHL, ESQ.** has been electronically transmitted to the United States Patent and Trademark Office on the date indicated:

Dated: March 28, 2016

  
\_\_\_\_\_  
Tommas Balducci

**CERTIFICATE OF SERVICE**

I, Tommas Balducci, hereby certify that a copy of the foregoing **DECLARATION OF DENNIS S. PRAHL, ESQ.** was served via First-Class Mail, postage prepaid, courtesy copy via email, on the date indicated below, to the following:

Ms. Michelle Ferrer, Esq.  
Plata Ferrer Law Group LLC  
670 Bergen Boulevard, 2nd Floor  
Ridgefield, New Jersey 07657  
Email: MFerrer@plataferrer.com

Dated: March 28, 2016

  
\_\_\_\_\_  
Tommas Balducci

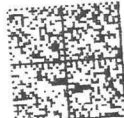
# Exhibit A





100 AVENUE OF THE AMERICAS  
NEW YORK, NY 10013-2001

U.S. POSTAGE >>> PINEYBOWES  
ZIP 10023 \$ 001.20<sup>0</sup>  
02 4H 32798 FEB 29 2016  
0000332798



Mr. Antonio Guitierrez and Ms. Michelle Ferre  
Plata Ferrer & Guitierrez LLC  
700 Boulevard East, Suite M-21A  
Guttenberg, NJ 07093-4814

**RTS**  
RETURN TO SENDER

☐ A INSUFFICIENT ADDRESS  
☐ C ATTEMPTED NOT KNOWN  
☐ S NO SUCH NUMBER/STREET  
☐ OTHER  
☐ NOT DELIVERABLE AS ADDRESSED  
☐ UNABLE TO FORWARD

NIXIE 070932054-1N 03/09/16

RETURN TO SENDER  
ATTEMPTED - NOT KNOWN  
UNABLE TO FORWARD  
RETURN TO SENDER



RECEIVED  
MAR 13 2016  
1 & P LLP



# Exhibit B

# PlataFerrer

## LAW GROUP

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If you have a question about our services or need help contacting one of our attorneys, please fill out the form below, and we will direct your inquiry to the right source.

First Name:	<input type="text"/>
Last Name:	<input type="text"/>
Address Street 1:	<input type="text"/>
Address Street 2:	<input type="text"/>
City:	<input type="text"/>
Zip Code:	<input type="text"/>
	(5 digits)
State:	<input type="text" value="AL"/>
Daytime Phone:	<input type="text"/>
Evening Phone:	<input type="text"/>
Email:	<input type="text"/>
Comments:	<input type="text" value="Enter comments here!"/>
	<input type="button" value="Submit"/> <input type="button" value="Reset"/>

## Plata Ferrer Law Group

Phone: 201-875-1001

NYC Phone: 212-235-7063

Fax: 201-210-4609

E-mail: [info@plataferrer.com](mailto:info@plataferrer.com)

### Main Office:

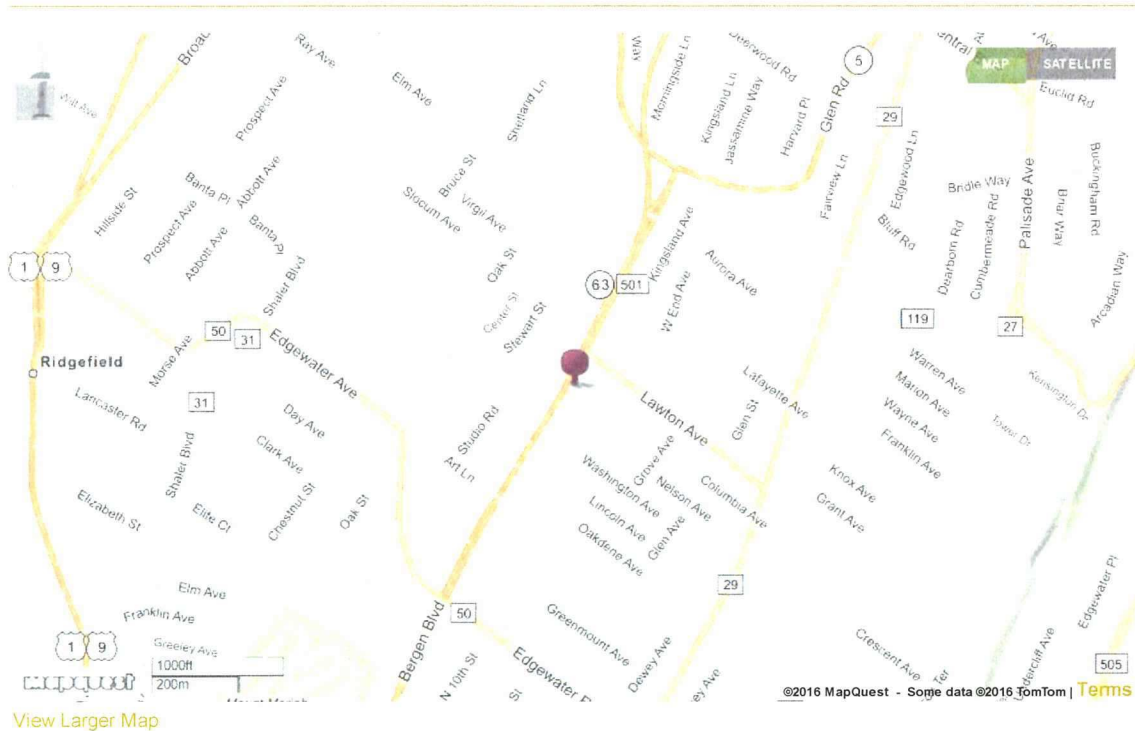
670 Bergen Boulevard, 2nd Floor  
Ridgefield, New Jersey 07657

### Hudson County Office:

4211 New York Avenue  
Union City, New Jersey 07087

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## Plata Ferrer LAW GROUP

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 Phone: 201-875-1001; NYC Phone: 212-235-7063; Fax: 201-210-4609; E-mail: [info@plataferrer.com](mailto:info@plataferrer.com)

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